

REMARKS

Applicant appreciates the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-20 are pending in the application. Claim 5 has been rewritten in independent form including all limitations of base claim 1. Claims 1-4 and 6-10 have been amended to better define the claimed invention. New claims 11-20 have been added to provide **Applicant** with the scope of protection to which they are believed entitled. The Abstract has been revised to be in compliant form. No new matter has been introduced through the foregoing amendments.

The 35 U.S.C. 102(b) rejection of claims 1-10 as being anticipated by *Olson* (U.S. Patent No. 6,297,424) is noted. **Applicant** respectfully traverses the rejection, because reference fails to teach or suggest that the middle portions of the auxiliary elastic members are free of direct securement to the chassis, as presently claimed. The Examiner's reliance on column 11, line 62 through column 12, line 2 of *Olson* for the claimed limitation is noted. However, the cited passage only discloses conventional waist or leg hole elastics, and is completely silent on whether such elastics might have middle portions that are free of direct securement to the chassis in the presently claimed manner. The remaining parts of *Olson* also fail to teach or suggest the claims limitation. Therefore, **Applicants** respectfully submit that claim 1 is patentable over *Olson*, and request that the anticipatory rejection of claim 1 as well as claims 3-4 and 6-10 depending therefrom be withdrawn.

As to claim 3, **Applicant** respectfully submits that the applied reference fails to teach or suggest that the joining sites are located between the middle portions of said auxiliary elastic members. The Examiner's reliance on column 14, lines 32-35 of *Olson* for the claimed limitation is noted. However, the cited passage only generally discusses how the outer cover, bodyside liner and absorbent care can be joined together, and is completely silent on any arrangement of the elastics relative to the bonding sites of the outer cover and bodyside liner. The remaining parts of *Olson* also fail to teach or suggest the claims limitation. Therefore, **Applicant** respectfully submit that claim 3 is patentable over *Olson* on its own merit.

As to claim 5, **Applicant** respectfully traverses the Examiner's rejection because *Olson* fails to teach or suggest the limitation of claim 5 that a length of said auxiliary elastic members in the

waist-surrounding direction as measured in a contracted state thereof is generally equal to a corresponding length of the absorbent structure in the one of said front and rear waist regions. The Examiner's argument regarding claim 5 in page 4 of the Office Action is noted. However, the Examiner appears to argue that the length of *Olson* elastics in a contracted state thereof is generally equal to a corresponding length of the front and rear waist regions, which is not claimed. **Applicant** claims a corresponding length of the absorbent structure, which is neither mentioned in the Examiner's argument nor disclosed/suggested by the applied reference. Therefore, **Applicant** respectfully submits that claim 5 is patentable over *Olson*, and request that the anticipatory rejection of claim 5 be withdrawn.

Claims 11-20 depend from claim 1, and are considered patentable at least for the reason advanced with respect to amended claim 1. The dependent claims are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

As to claims 11-12, note the discussion *supra* with respect to claim 5.

As to claims 13-16, *Olson* does not fairly teach or suggest the claim limitation that an entire section of said middle portion which is located between the transversely opposite side edges of said absorbent structure is directly bonded neither to the inner sheet nor to the outer sheet. Note also the discussion *supra* with respect to claim 1.

As to claim 17, *Olson* does not fairly teach or suggest the claim limitation that each of said auxiliary elastic members is entirely free of direct attachment to said chassis except at the opposite end portions of said auxiliary elastic member. Note, again, the discussion *supra* with respect to claim 1.

As to claims 18 and 20, *Olson* does not fairly teach or suggest the claimed gather-free feature.

As to claim 19, *Olson* does not fairly teach or suggest that the auxiliary elastic members are disposed between said elasticized waist hole and said elasticized leg holes. *Olson* discloses only waist and leg hole elastics, and fail to teach or suggest any auxiliary elastic members located between such waist and leg hole elastics.

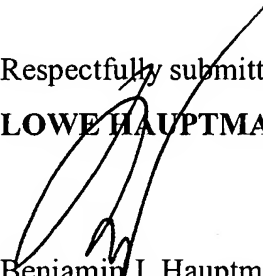
Each of the Examiner's rejections has been traversed. Accordingly, **Applicant** respectfully submits that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Benjamin J. Hauptman
Registration No. 29,310

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: **June 7, 2006**
BJH/KL/klf